

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

VANDA PHARMACEUTICALS INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 18-651 (CFC)
	)	
TEVA PHARMACEUTICALS USA, INC.,	)	
	)	
Defendant.	)	

VANDA PHARMACEUTICALS INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 18-689 (CFC)
	)	
APOTEX INC. and APOTEX CORP.,	)	
	)	
Defendants.	)	

VANDA PHARMACEUTICALS INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 18-690 (CFC)
	)	
MSN PHARMACEUTICALS INC. AND	)	
MSN LABORATORIES PRIVATE	)	
LIMITED,	)	
	)	
Defendants.	)	

**JOINT STIPULATION OF PROPOSED AMENDED SCHEDULE**

WHEREAS, the parties to the above-captioned actions have, by separate joint stipulation, agreed to Plaintiff Vanda Pharmaceuticals Inc. ("Vanda") amending its Complaints to add counts of infringement for U.S. Patent No. 10,071,977 (the "977 patent");

WHEREAS, the Court previously entered a Scheduling Order in the above-captioned actions, setting a trial date of June 15, 2020;

WHEREAS, the parties have agreed to jointly submit a proposed amended schedule for the above-captioned actions in view of Vanda's proposed amendment to its Complaints to add counts of infringement for the '977 patent;

WHEREAS, as part of the parties' joint proposed amended schedule, the parties respectfully propose, subject to the Court's approval, a *Markman* hearing date of September 2019 and a trial date of September 2020;

WHEREAS, the 30-month stay in the above-captioned actions does not expire before July 21, 2021;

NOW THEREFORE,

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to the above-captioned actions, subject to the approval of the Court, that the schedule for the above-captioned cases be modified as follows:

Item #	Event	Current Date	Proposed Amended Date
4.	Deadline for initial infringement contentions	October 4, 2018	December 21, 2018 ('977 patent only)
5.	Deadline for Initial Invalidity Contentions	November 20, 2018	January 25, 2019 ('977 patent only)
6.	Deadline to exchange claim term(s)/phrase(s)	November 30, 2018	February 1, 2019
7.	Deadline to exchange proposed constructions	December 12, 2018	February 15, 2019
8.	Exchange intrinsic evidence in support of proposed constructions	December 17, 2018	March 1, 2019
9.	Deadline to submit joint claim construction chart	December 21, 2018	March 8, 2019
10.	Deadline to serve Plaintiff's opening claim construction brief	January 24, 2019	April 12, 2019
11.	Deadline to serve Defendants' answering claim construction brief	February 28, 2019	May 17, 2019

Item #	Event	Current Date	Proposed Amended Date
12.	Deadline for joinder of other parties and amendment of pleadings	February 28, 2019	February 28, 2019
13.	Deadline to serve Plaintiff's reply claim construction brief	March 21, 2019	June 14, 2019
14.	Deadline to serve Defendants' sur-reply claim construction brief	April 11, 2019	July 12, 2019
15.	Deadline to file joint claim construction brief	April 17, 2019	July 26, 2019
16.	Deadline for substantial completion of document production	April 30, 2019	August 16, 2019
17.	Claim Construction Hearing (i.e., <i>Markman</i> Hearing)	May 20, 2019 at 9 a.m.	<del>September 2019</del>
18.	Final supplementation of accused products and invalidity references	Thirty (30) days after the Court issues its claim-construction ruling	No change
19.	Fact discovery cut-off	August 2, 2019	November 15, 2019
20.	Deadline for disclosure of expert testimony for the party who has the initial burden of proof on the subject matter	September 13, 2019	December 20, 2019
21.	Deadline for supplemental disclosure to contradict or rebut evidence on the same matter identified by another party	October 25, 2019	January 24, 2020
22.	Deadline for reply expert reports from the party with the initial burden of proof	December 6, 2019	February 28, 2020
23.	Expert discovery cut-off	February 14, 2020	April 24, 2020
24.	Deadline to file <i>Daubert</i> motions	February 28, 2020	May 29, 2020
25.	Pretrial Conference	May 28, 2020 at 4:30 p.m.	<del>August</del> 2020 at .m.
26.	Trial (5 days)	June 15, 2020 at 9:30 a.m.	<del>September</del> 2020 at 9:30 am

October 10, 2019  
1:00 p.m.

Sept. 24, 2020  
at 4:00 pm  
October 5,  
2020  
at 9:30 am

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Derek J. Fahnestock*

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December 7, 2018

PHILLIPS, GOLDMAN, McLAUGHLIN, & HALL

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SO ORDERED this 11<sup>th</sup> day of December, 2018.

  
\_\_\_\_\_  
United States District Judge